

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PATRICIA M. RICKER,

Defendant.

CR 03-112-GF-BMM

ORDER

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on November 16, 2016. Defendant admitted that she had violated the conditions of her supervised release by consuming alcohol on several occasions, by failing to report for substance abuse treatment, and by failing to report for substance abuse testing. Judge Johnston found the admissions sufficient to establish the alleged supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit her to the custody of the United States Bureau of Prisons for a term of imprisonment of seven months, with 47 months of supervised release to follow.

No objections were filed by either party. Judge Johnston's findings and recommendations are therefore reviewed for clear error. *McDonnell*

Douglas Corp. Commodore Bus. Mach, Inc., 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted she had violated conditions of her supervised release. Defendant could be incarcerated for up to 60 months, followed by 54 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of three to nine months. A sentence of seven months in custody, followed by 47 months of supervised release is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 88) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 12th day of December, 2016.



Brian Morris
United States District Court Judge